

134147



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

DEPT. OF TRANSPORTATION

01 JUL -9 AM 11:47

Office of the
Chief Counsel

RSPA-99-6223-3

400 Seventh Street, S.W.
Room 8407
Washington, D.C. 20590

Phone: (202) 366-4400
Fax: (202) 366-7041

Subject: Notice of Communication in Safety Requirements Date: July 6, 2001
Prohibiting Transportation of Flammable Liquids in
External Product Piping on Cargo Tanks, Docket No. RSPA-99-6223 (HM-213B)

From: Robert M. Kern II
Attorney-Advisor

To: Chief, Dockets,

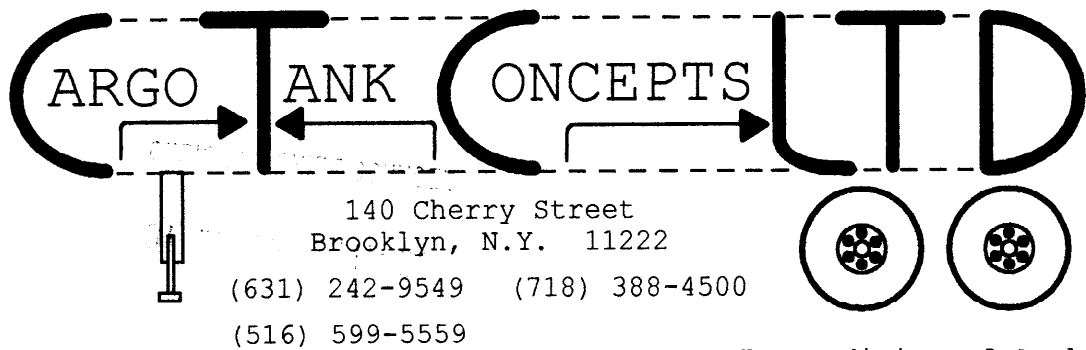
In accordance with Department rules, I am reporting the following oral and written communication concerning Docket No. RSPA-99-6223 (HM-213B).

During the month of July 2001, I spoke with Mr. Ron Andenmatten, President of Cargo Tank Concepts, LTD of Brooklyn, New York on two occasions. Mr. Andenmatten provided me with information concerning my research on fatal accidents involving gas tankers / loading lines. In the course of those conversations Mr. Andenmatten spoke of a letter he had written to his Congressman and an industry brochure he had concerning his product. I requested that he send me copies of both. Attached you will find copies of both items.

I explained to Mr. Andenmatten that we could not discuss the substance of the rulemaking, and that our discussion would be summarized and placed in the docket.

Please place this memorandum in the appropriate file in the Docket.

Copy to: Mr. Ron Andenmatten, President
 Cargo Tank Concepts



"A Tradition of Quality
Since 1859"

April 27, 2001

The Honorable Steve Israel
7 West Main Street
Bay Shore, N.Y. 11706
Dear Congressman Israel,

In the interest of public safety, I respectfully request an opportunity to meet with you to discuss an urgent safety issue that has had a significant impact on the lives and welfare of many citizens living within our district, as well as throughout the country.

You may recall that on September 27th of last year a minivan struck a gasoline tanker truck in East Islip. The resulting catastrophe appeared on the front page of "Newsday". As is typical in these "wet line" incidents, the woman who was driving the minivan was entrapped in the vehicle and burned to death. More than 150 firefighters responded to the scene, 2,400 customers were left without power and 100 residents, living in a four-block radius from the flames, were evacuated.

The costs associated with emergency responses, lost commerce and damage to our infrastructure often exceed the total insurance coverage and assets that can be collected from the liable party. You are probably far too aware, in these instances, who "picks up the tab".

You may not have been aware, however, that this type of catastrophe is preventable and that the gasoline that fueled the fire did not originate from the cargo tank, but from the piping underneath the tank. The current practice of carrying up to 50 gallons of gasoline within them has turned simple fender benders into tragedies.

These thin, 4" diameter aluminum outlet pipes were never originally designed to carry gasoline and are actually equipped with a sacrificial "weak point" that was designed to break in order to prevent damage to the tank shell. In the past, this design made sense because the cargo tank was filled through the top covers and these bottom pipes would normally be empty while in transit. Gasoline would only be in these pipes when the cargo tank was discharging the product to the gas station. In the 1970's, however, the industry decided to use these same pipes to "bottom load" the gasoline into the cargo tank at the loading terminals. Unbelievably, the industry made no changes in design or loading practices to account for the 50 gallons of gasoline being transported underneath the cargo tank in outlet pipes that are "designed to fail, if impacted in an accident".

Now commonly known as “wet lines”, they are a well-known hazard and were the subject of a Dateline NBC TV episode entitled “Wet Lines; Running On Empty” (6 minutes; 5/23/99). You will probably also be interested to know that the NTSB investigated a wet line catastrophe in 1997 that was very similar to the one that occurred in East Islip. That accident closed the N. Y. State Thruway for 6 months and caused 7-million dollars worth of damage to an overpass.¹ Among its findings, the report concluded:

- 1) The car driver would have survived the accident had there not been a fire.
- 2) The car struck and fractured one or more of the loading lines of the cargo tank, thus releasing up to 28 gallons of gasoline.
- 3) Had the loading lines been empty, the fire would likely not have occurred.
- 4) Transporting hazardous materials in loading lines creates a hazardous condition.

As a result of its investigation of this accident, the National Transportation Safety Board made the following safety recommendation:

“--to the Secretary of Transportation:

Prohibit the carrying of hazardous materials in external piping of cargo tanks, that may be vulnerable to failure in an accident. (H-98-27)”

It is interesting that since 1989, the USDOT has itself acknowledged this hazard, stating in the Federal Register that wet lines “pose an unnecessary risk” and constitute “an inappropriate package for the transportation of hazardous materials.” The USDOT, however, ultimately removed the first proposed prohibition on the basis of arguments raised by the industry that there was no technology available to eliminate this practice. With the knowledge that viable alternatives to wet line practices now exist, the NTSB issued the new recommendation to prohibit wet lines, as previously mentioned.²

Amazingly, it appears that once again special interests in the industry are continuing to successfully lobby against a wet line prohibition.³ When the Dateline NBC episode aired 2 years ago, USDOT promised NTSB that it would “issue a notice of proposed rulemaking in the next few months”, but a proposal has yet to even appear in the Federal Register. A proposed rule was finally signed by former Transportation Secretary Rodney Slater and submitted to the Office of Management and Budget last December, however, it was sent back for review this February by the Bush administration. In addition, a trade group called National Tank Truck Carriers has vowed

¹ I was recently subpoenaed and deposed in that case for 2 days by the attorneys for the NY State Thruway Authority.

² Three different existing technologies are presently being marketed, including our purging system.

³ . While the independent carriers have resisted investment, the major oil companies have been receptive. SUNOCO will finish equipping its entire national fleet with our systems this year and BP/Amoco is ordering system couplings to be installed on all their new equipment. Unfortunately, the major oil companies own less than 5% of the national tanker fleet, estimated at about 60,000.

to lobby against the rule on the basis that wet line spills are “rare” events. For the life of me, I cannot see why piping that is designed to fail in an accident will rarely do so.

In the interim, a minimum of 8 wet line fires have occurred since the Thruway accident 3.5 years ago. Of those, 6 have involved fatalities resulting in a total of 10 deaths. In November of 1999, two fires occurred only ten days apart and in the very same town, Hammond, Indiana. The first of those killed a 4-year-old boy and a 21-year old man. It is even more distressing to know that the NTSB concluded that many of these wet line incidents go unreported and that the data used to determine the “costs/benefits” of such events is suspect.⁴ Interestingly, the NYS Thruway accident was cited as a specific example. The NTSB states in its report:

“The Yonkers accident is an example of an inadequately reported and recorded accident. The incident was reported to RSPA, but the Hazardous Materials Incident Report did not identify the incident as a loading line packaging failure. Instead, the motor carrier marked ‘other’ on the report. In the description of events, the motor carrier stated, ‘motorist collided with tanker.’”

It would appear NTSB is correct about underreporting. An accident on the 2nd of this month in Green Bay, Wisconsin just killed 4 people and I have now learned that Secretary Mineta has since signed the rule that came back for review and has resubmitted it to OMB. This recent development is why it is so important that I at least meet with you briefly. Could you please have your secretary call my office at (631) 242-9549 to arrange an appointment?

Public safety, welfare and plain common sense desperately need your voice to be heard against the industry rhetoric that will surely continue to lobby for this insane practice and appeal for endless delays. During the interim, unfortunately, it will be the taxpayers who “pick up the tab” and the private citizens who continue to “pick up the pieces”.

Very truly yours,
Cargo Tank Concepts, Ltd.



Ron Andenmatten, President

⁴ The most recent cost/benefit analysis submitted by USDOT estimated only 0.7 fatalities per year and was based upon this very same HMIS database that NTSB claims is inadequate.

ARCOARCO Products Company -- a Division of **BP Amoco**

PIPELINE & DISTRIBUTION NEWSLETTER

PUBLISHED BY THE CENTRAL SAFETY COMMITTEE -- 2ND QUARTER 2000

Carpal Tunnel Syndrome

by Grant Holliday

What is Carpal Tunnel Syndrome?

The carpal tunnel is a passageway that runs from the forearm through the wrist. Bones form three walls of the tunnel and a strong, broad ligament bridges over them. The median nerve, which supplies feeling to the thumb, index, and ring fingers, and the nine tendons that flex the fingers, passes through this tunnel. Usually, carpal tunnel syndrome (CTS) is considered an inflammatory disorder caused by repetitive stress, physical injury, or other conditions that cause the tissues around the median nerve to become swollen. It occurs either when the protective lining of the tendons within the carpal tunnel become inflamed and swell or when the ligament that forms the roof becomes thicker and broader.

See CTS, page 6

Photo Courtesy of
Ron Yates

Feature Terminal: Sacramento

The Sacramento Terminal was relocated to its present site in 1967, at which time the Southern Pacific Pipeline was nearing completion. Arco leased (6) 10K bbl. storage tanks from at that time Western Highways, which Arco later purchased. Then Arco built a one lane top loading rack, a 1200 square foot office building to house a Plantman and a Terminal Superintendent, along with 5 Drivers, and a warehouse to store motor oils.

The Terminal had the capability of receiving product by barges coming up the Sacramento River from the bay.

When the pipeline completed the Concord Staging Area, all product came thru the pipeline and the river was no longer used for barging to Sacramento.

Business grew at a moderate rate until Arco blew up the "Credit Card" in 1983 and dropped its price -- at which time the business seemed to double almost overnight. The Terminal grew from 5 Drivers to its present 21 Drivers from (1) Terminal Operator to (4) terminal Technicians, the addition of a Terminal Clerk, a Driver Supervisor and a Terminal Superintendent. Thru-Put went from 5 million gallons of product a month to the present 28 million gallon per month.

In 1975 a second rack was built, bottom loading along with converting the original top loading rack to bottom loading. See Sacramento, page 4

Wet Line Purging

In the light of several high profile non-ARCO tanker accidents caused by automobiles crashing into the piping and causing fire and death, the Department of Transportation has decided to take the issue under advisement. The D.O.T. will come out with a ruling in the near future concerning tankers carrying product in the under-carriage piping. In recent years there has been some technological advances in the ways to remove product from the piping after the tank has been loaded.

ARCO was approached by a company called Cargo Tank Concepts, LTD which had came up with very innovative system for purging gasoline out of the piping. This system was designed and built by two brothers Ron and Roy Andenmatten out of New York City.

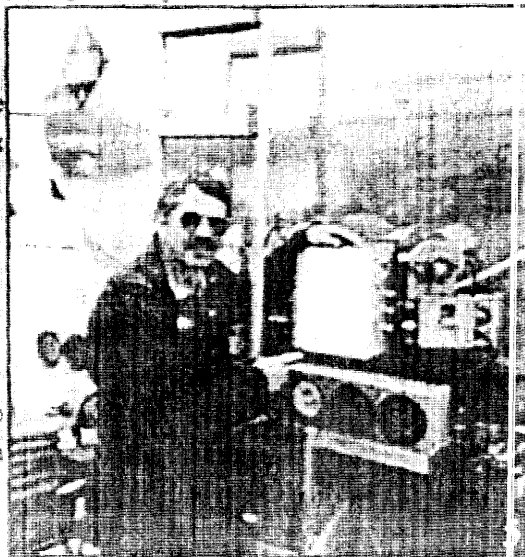
Cargo Tank Concepts' purging system is actually part of a family tradition dating back to the great grandfather of Ron and Roy, George B Marx, who founded the George G. Marx and Sons Carting Company 141 years ago in the year 1859. One of the largest manufactures of horse drawn and motorized wagons, carts and carriages.

Currently this system has been tested and is being installed on all Sunoco tank trucks, a large gasoline hauler out of New York City. Ron and Roy are so confident in their system, they offered to fly to Richmond, California, and install this system on one of our truck and trailers free of charge -- with the help of our local tanker repair facility Terminal Manufacturing. Jeff Westra, ARCO's fleet manager, decided to take them up on their offer. On January 20th the newly installed purging system was put into service at the Richmond terminal.

The way this system works is basically a control box located near the truck air panel, receives signal air from the truck and trailers vapor valve, letting the controller know when to purge -- at just the right time -- as the driver unbooks from the loading rack. Metered air is injected into the piping and pushes the gasoline back into the tank through an exterior hose and check valve. Sensors located at the low point in the piping tell the controller to stop purging when the piping is empty. Diagnostic lights located on the control box let the driver know what mode the purging system is in.

Another great feature the system has, is a warning light to tell the driver he has a leaky internal valve -- this is the valve that holds the gasoline in the tank. The total piping on this particular unit purges in about three and a half minutes, which means the piping is empty by the time the driver retrieves his paper work. The drivers also appreciate the fact that the system is completely automatic.

Currently the system has been operating for almost five months and it has been trouble free. ARCO continues to be leaders in new innovative ideas, which promotes high performance and a safe working environment.
By Ronald Garner -- Lead Craftsman Richmond



Fleet, From page 5

2) 2001 Truck & Trailer Plan: The following trucks will go over 800,000 miles in the year 2001 and should be replaced.

Truck	Terminal	2000 Year End Mileage
8179	Seattle	1,003,000 (Engine Rebuild @ \$77,000)
8171	Portland	810,621
8170	Colton	802,000 (Engine Rebuild @ \$40,000)
8182	Colton	769,000
8183	Colton	751,000 (Engine Rebuild @ \$30,000)
8168	Colton	733,000
8167	Vinvale	730,000 (Engine Rebuild @ \$47,000)
8188	Seattle	710,000
8165	Vinvale	700,000
8169	Vinvale	700,000

10 Trucks are scheduled for replacement in 2001. We will swing the tanks again just like this year. The following tanks will be 12 years or older in 2001 and should be replaced.

Tank	Terminal	Year
973	Sacramento	1968
975	Vinvale	1968
977	Sacramento	1968
978	Colton	1968
979	San Diego	1968
980	San Diego	1968
984	Portland	1969
982	Seattle	1990



8 Trailers are scheduled for replacement in 2001. Let me know if you have any questions.

3) Tripmaster (Truck Computers) are running at all terminals. Distribution management has asked each terminal to include Tripmaster data in its monthly performance reports. This data is the Performance Summary, DOT Exception Report, Unload Time Report, and Productivity Report.

According to Ed Lujan the Productivity and Payroll Reports are ready. Please work with Ed (562) 806-4185 to get these reports set up on your terminals systems.

The Tripmaster Users Meeting was held April 19. It was a big success! Many issues were resolved and best practice information was communicated. Please get with your regional representative to get updates on the meeting and how you can fully utilize Tripmaster at your facility. The representatives from each region are Steve Erskine, Jeff Fems, Bob Raley, Ed Lujan, Mike Farnsworth, Gil Hernandez, and Joel Beal (Tripmaster).

A Tripmaster Lotus Notes Data Base has been established to communicate Tripmaster information to the entire department. Please go in and check it out. It will be well worth your time!

4) A test is being performed at Vinvale on the Eaton VORAD Collision Detection Device. We have recently had many merging accidents which caused us to test this new technology. The system is a radar mounted on the passenger side and the front of the truck. The radar will indicate when there is a vehicle in your blind spot or if your following distance is too close. We are testing the system out on 6 trucks. It will be a 4 month test. We will keep you updated.

5) The Wet Line Purging System continues to operate well in Richmond. Purging times have reduced since we installed it. We have elected to not install this system on our new tanks and trailers. We have chosen to wait until legislation comes out mandating that the system be installed.

Jeff Weigman - West Coast Transport Coordinator

